

FILED
JAN 16 2019

Court, U.S. District Court
Texas Eastern

US DISTRICT COURT
Eastern District of Texas

CRAIG CUNNINGHAM, an
Individual,

Plaintiff,

Case Number:

4:18 cv 43
Mazzant

vs.

Crosby Billing Services, Corporation, Elexis Rivera, Maria Sanchez, and John/Jane
Does 1-5

Defendant.

/

Plaintiff's Original Complaint

1. The Plaintiff in this case is Craig Cunningham, a natural person and can be served documents at the address of the undersigned below.
2. Crosby Billing Services, Corporation is a Florida corporation operating from 5800 Beach Blvd., 203160, Jacksonville FL 32207 and can be served via registered agent Elexis Rivera at the same address above or 11250 Old Saint Augustine Rd., #15167 Jacksonville, FL 32257 or 926 Jorick CT E, Jacksonville, FL 32225 of 5800 Beach Blvd 203160 Jacksonville, FL 32207.
3. Elexis Rivera is a natural person and can be served at 926 Jorick CT E, Jacksonville, FL 32225 or 5800 Beach Blvd 203160 Jacksonville, FL 32207.
4. Maria Sanchez is a natural person and can be served at 5800 Beach Blvd 203160 Jacksonville, FL 32207
5. John and Jane Does 1-5 are currently unknown individuals or corporations that are liable in this case.

Jurisdiction

6. Jurisdiction of this court arises as the acts happened and the defendants live and work in this district
7. Venue in this District is proper in that the defendants transact business here, and the acts and transactions occurred here.

FACTUAL ALLEGATIONS

8. On May 5, 2017, the Plaintiff received an automated call with a pre-recorded message to his cell phone 615-348-1977 from 678-647-6252. These calls were not with the Plaintiff's consent or related to any emergency purpose.
9. The call was initiated using an automated telephone dialing system and pre-recorded message.
10. The prerecorded message made references to criminal fraud charges and being on some fraud list. This pre-recorded would have convinced an unsophisticated person that criminal fraud charges were pending against them
11. The Plaintiff called the 678 number back and spoke with several agents who indicated they were attempting to collect on a fraud case, but then later claimed it was a wrong number call and the Plaintiff should just ignore the call. The agents stated that they were Litigation Services of Georgia, which is a false name and provided a false address as well for the company claiming to be in Georgia, when in reality they were calling from Florida.
12. The agents stated later that their website address was "www.gofuckyourself.net" in another call with the Plaintiff. The agent also stated "*you are going to hate me. I'm going to call you all night long. You aren't going to be able to get any sleep*

with me" indicting their intent and threat to harass the Plaintiff with additional harassing calls at night. The agents also included several insults to the Plaintiff's mother.

13. The Plaintiff conducted further research and identified "Crosby Billing Services" as the party that owned the phone number at the time the Plaintiff was receiving calls. It appears that Crosby Billing Services at best used a PO box and at worst another fake address.

CAUSES OF ACTION:

COUNT I

Violations of the Telephone Consumer Protection Act (TCPA) 47 USC 227(b)

14. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

15. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing calls with pre-recorded/automated messages to the Plaintiff's cell phone that lacked the name, address, and phone number of the entity placing the phone calls. These actions violate 47 USC 227(b) and entitle the Plaintiff to \$1500 per call in damages as these were willful actions.

CAUSES OF ACTION:

COUNT II

Violations of the Telephone Consumer Protection Act (TCPA) 47 USC

227(c)(5)

16. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

17. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing unsolicited and unwelcome telephone calls to the Plaintiff's cell phone. These phone calls also violated the TCPA by having an pre-recorded message. These calls also violated 47 USC 227(c)(5)

CAUSES OF ACTION:

COUNT III

Invasion of Privacy

18. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

19. The foregoing actions by the Defendants constitute commonlaw invasion of privacy and violate the Plaintiff's right to be left alone.

COUNT IV

Violations of the Texas Finance Code 392

20. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

21. The foregoing actions by the Defendants constitute multiple breaches of the Texas Finance Code 392 by placing unsolicited and unwelcome telephone calls to the Plaintiff's cell phone and by making false, misleading, and threatening representations likely to deceive a consumer.

COUNT V

Violations of the FDCPA, 15 USC 1692

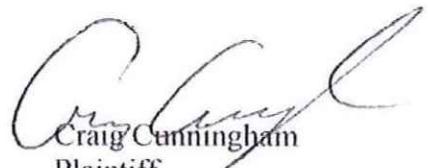
22. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

23. The foregoing actions by the Defendants constitute multiple breaches of the FDCPA, 15 USC 1692 et seq by placing unsolicited and unwelcome telephone calls to the Plaintiff's cell phone and by making false, misleading, and threatening representations likely to deceive a consumer.

PRAYER FOR DAMAGES AND RELIEFS

- A. WHEREFORE, Plaintiff, Cunningham, respectfully prays and requests that judgment be entered against each and every defendant for the following:
- B. Statutory damages of \$3000 for each phone call for violations of the TCPA.
- C. Damages of \$5,000 per violation of the Texas Finance Code 392
- D. Punitive Damage of \$100,000 for violations of the Texas Finance Code and FDCPA
- E. Actual damages as determined by a judge/jury
- F. Pre-judgment interest from the date of the phone calls.

- G. Attorney's fees for bringing this action; and
- H. Costs of bringing this action; and
- I. For such other and further relief as the Court may deem just and proper



Craig Cunningham
Plaintiff,
5543 Edmondson Pike, ste 248 Nashville, TN 37211, 615-348-1977 1/5/2018